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# Performance Partnership Agreement

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Between the Arkansas Department of  
Environmental Quality and the United States  
Environmental Protection Agency Region 6



July 1, 2001 – June 30, 2002

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This Performance Partnership Agreement between the Arkansas Department of Environmental Quality (ADEQ) and the United States Environmental Protection Agency Region 6 represents a new commitment to strengthening the management, efficiency and effectiveness of environmental protection in Arkansas. This Performance Partnership is designed to: promote joint planning and priority-setting by Region 6 and ADEQ; foster the use of integrated and innovative strategies for solving water, air, and waste problems; achieve a better balance in the use of environmental indicators and traditional activity measures for managing programs; and to improve public understanding of environmental conditions and the strategies being used to address them.

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Gregg A. Cooke

Regional Administrator

US EPA Region 6

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Richard A. Weiss

Interim Director

Arkansas Department of Environmental Quality

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## ADEQ-EPA Statement of Shared Principles

Senior managers<sup>1</sup> from the U.S. Environmental Protection Agency Region 6 (EPA) and the Arkansas Department of Environmental Quality (ADEQ) met on July 20, 2000 to gain a better understanding of each other, both professionally and personally, and to reaffirm their commitment to an effective working relationship between the Agency and the Department. They discussed basic assumptions that affect their relationship, such as their shared commitment to environmental protection and the high level of professional accomplishment in ADEQ and EPA. They agreed that their respective staffs are highly competent, motivated and dedicated. Finally, the Senior Managers agreed that they are responsible for establishing the tone and priorities within their respective organizations.

As part of setting that tone, the senior managers from EPA and ADEQ committed to the following statement of shared principles:

**W**e hereby recommit to a truly cooperative partnership between EPA and ADEQ. We believe this partnership will allow us, and our respective staffs, to accomplish our jobs more effectively and to better achieve our mutual goal of protecting human health and the environment. The most important aspect of this partnership is recognition of our mutual goals and a commitment, at the highest levels within each organization, to solve problems based on the interests of the environment and the public we serve rather than the positions or exclusive interests of each organization.

We will use the following principles to guide our actions:

- We will seek solutions based on our shared goals and values.

EPA and ADEQ share the common goal to protect human health and the environment. EPA and ADEQ are committed to "interest-based" problem solving that focuses on our common interests and mutual goals rather than our organizational interests.

- We will enter into conversations presuming agreement rather than disagreement.

Each organization brings inherent strengths and weaknesses to our efforts to protect the environment. Each organization has highly competent, experienced staffs. Given our common goals and mutual competency, we will enter into conversations presuming agreement rather than disagreement.

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<sup>1</sup> EPA: Gregg Cooke, Regional Administrator; Jerry Clifford, Deputy Regional Administrator; Samuel J. Coleman, Director-Compliance and Enforcement Division; Lawrence E. Starfield, Regional Counsel; David W. Gray, Director-Office of External Affairs; Lynda F. Carroll, Assistant Regional Administrator-Management Division; Carl Edlund, Director-Multimedia Planning and Permitting Division; Myron O. Knudson, Director Superfund Division; Sam R. Becker, Acting Director-Water Quality Protection Division. ADEQ: Randall Mathis, Director; Becky Keogh, Deputy Director; Larry Wilson, Deputy Director; Jim Shirrell, Deputy Director; Keith Michaels, Chief-Air Division; Chuck Bennett, Chief-Water Division; Mike Bates, Chief-Hazardous Waste Division; Dennis Burks, Chief-Solid Waste Division; Michael Chandler, Chief-Construction Assistance Division; Floyd Durham, Chief-Mining Division; Jim Shell, Chief-Regulated Storage Tank Division; Dick Cassat, Chief-Technical Services Division; Gregg Patterson, Chief-Environmental Preservation Division; Al Eckert, Chief-Legal Division; James Gilson, Chief-Customer Service Division; Robert Gage, Chief-Computer Services Division; Leigh Ann Chrouch, Chief-Fiscal Division; and Ed Morris, Administrator-Management Services.

- We will seek cooperative solutions to issues, in lieu of “winning” for our agencies.

Cooperatively resolving issues is better than winning adversarial discussions. Adversarial positioning weakens our partnership, impedes decision-making, and can lead to bickering and inefficiencies.

- We will continue developing and strengthening the ADEQ-EPA partnership.

Developing and furthering the EPA / ADEQ partnership is an ongoing process which will require both the commitment of staff and the continued involvement and leadership of senior managers in each organization. ADEQ and EPA commit to developing and strengthening our partnership.

We know and appreciate that many staff and line managers in EPA and ADEQ already apply these principles to their work. We are entering into this agreement to ratify and recommit to our existing partnership. We recognize that we will not agree on every issue; however, we will continue to strive to improve lines of communication and collaboration. When we disagree, we will strive to understand, rather than judge, the underlying interests that prompt the disagreement. At the same time, we will work to minimize the impacts of these disagreements on how staff members accomplish their work, while management focuses on resolving the underlying issues. By signing this agreement, we are committing to its principles and to holding ourselves, and our respective staffs, accountable to honoring these principles.

This document was signed August 29, 2000.

## Background

### ADEQ's Strategic Planning Project, ACT 1316 of 1999

In the spring of 2000 the Arkansas Department of Environmental Quality (ADEQ) began the Strategic Planning Project, a comprehensive, agency-wide, effort of self-assessment and improvement. Like many environmental agencies, ADEQ was facing pressures from trends including:

- The increasing complexity of non-point source environmental impacts;
- The information technology revolution, especially e-business;
- Interest in innovative public/private partnerships in managing resources (such as watersheds);
- The need to focus government services and measure accomplishments, using environmental outcomes (results); and
- Citizens' expectations and desires to be informed participants in environmental decision-making.

Working with the U.S. Environmental Protection Agency Region 6 and other stakeholders, ADEQ seized on these trends as an opportunity to create a model environmental agency for the citizens of Arkansas.

ADEQ's Strategic Planning Project has five elements: an agency-wide strategic planning system; environmental performance indicators; performance-based budgeting and reporting; the creation of an integrated information management system; and most relevant to this document, a Performance Partnership Agreement between ADEQ and U.S. EPA Region 6.

Former Director Randall Mathis created the Strategic Planning Project. Randall, with the assistance of his Deputies and Ombudsman, petitioned Arkansas' 82nd General Assembly for funding to design and establish an organization focused on environmental results, using an integrated environmental information system, and running on a performance-based budgeting and accounting system.

Due to these efforts, in March of 1999, the Arkansas General Assembly passed and Governor Mike Huckabee signed Act 1316. To paraphrase the Act, the Department was to develop a ten-year strategic plan of operations and design a management system that:

- Uses an integrated environmental information system,
- Manages the Department according to business function,
- Utilizes environmental performance measures,
- Involves the public in defining environmental results, and
- Establishes a performance-based financial management system.

As a first step, Ginger Wetherell and Mike Phillips of Image API in Florida were chosen to make recommendations on the type of analysis and processes needed to respond to Act 1316. Ms. Wetherell had served as the Director of the Florida Department of Environmental Protection. Under her direction Florida developed an award-winning model for environmental performance in State government. After interviews with ADEQ personnel, Ms. Wetherell and Mr. Phillips produced a short document outlining how a request for proposal for contract help might be structured. The decision to pursue contract help was made due to the compressed timeframe of the project and facilitation skills needed.

The request for proposal divided the activities of Act 1316 into five work elements. These elements were to (1) develop a 10-year strategic plan, (2) develop a performance management system, (3) develop a geographically based integrated information system, (4) establish an environmental problem-solving management methodology, and (5) facilitate negotiations with EPA toward a Performance Partnership Agreement for 2001-2002.

Vendors for the request for proposal had to respond by November 1, 1999, with recommendations on how, and in what order, to begin developing the various elements. A panel at ADEQ reviewed the proposals that were submitted. That panel rated the proposal from Ross and Associates Environmental Consulting, Ltd. highest. With this recommendation, the Director's Office selected Ross and Associates to help the



Department with this project. Its charge was to develop ADEQ's capacity to think strategically, align resources for maximum effectiveness, establish a blue print for an integrated information system, prepare the agency for performance-based budgeting, and facilitate negotiations with EPA toward a performance partnership agreement and possible grant.

For the project with ADEQ, Ross & Associates teamed with the Green Mountain Institute of Environmental Democracy, a recognized national leader in the development and use of indicators as measures of environmental quality. Also on the team was Riveland Associates, led by Mary Riveland, former Director of the Washington Department of Ecology, Director of the Washington Department of Licensing, Director of the Washington Department of General Administration, and Director of the Washington State Lottery. Another team member was the Western Center for Environmental Decision-making. This center specialized in the use of environmental comparative risk assessments in strategic planning and program development. The final member was Windsor Solutions, Inc. Windsor Solutions is a technology firm that provides expert capabilities to State environmental agencies in business process re-engineering, information strategy planning, systems analysis and design, and strategic implementation. At ADEQ a Strategic Planning Work Group directed the project. This workgroup consisted of the Director, Chief Deputy Director, and the Strategic Planning Project Manager, and a Cross-Agency Core Project Team.

For more information on the progress and accomplishments of the Strategic Planning Project, please go to ADEQ's website at [www.adeq.state.ar.us](http://www.adeq.state.ar.us). The rest of this background section will specifically discuss the performance partnership agreement element of the project. The next step in that element, after the contractors were brought in, was to have an ADEQ/EPA Region 6 senior staff retreat to chart the performance partnership process.

#### EPA Region 6 and ADEQ Senior Staff Retreat – Oasis Renewal Center, Little Rock Arkansas

During the evening of July 19 and all day on July 20, 2000, senior managers from the Arkansas Department of Environmental Quality (ADEQ or State) and the U.S. Environmental Protection Agency Region 6 (EPA or Region) met in Little Rock, Arkansas, to share common issues, priorities and concerns, look for opportunities to continue to improve the State / EPA partnership, and to set the stage for development of a Performance Partnership Agreement.

The evening of July 19 was taken up with introductions and socializing. The meeting on July 20 was divided into three main parts: a discussion of issues facing ADEQ and EPA; a discussion on building a stronger State / EPA partnership; and, a discussion of the Performance Partnership Agreement. By the end of the meeting, ADEQ and EPA had a number of common understandings and observations:

- ADEQ and EPA share many common issues and recognize many of the same emerging issues; similarly, they share many common approaches.
- To the extent there are differences in issues / approaches between ADEQ and EPA, these differences are generally not overwhelming and are driven by valid differences between the agencies' authorizing statutes or missions.

- The relationship between ADEQ and EPA is generally collaborative. ADEQ and EPA will continue to clarify and build on the collaborative aspects of their current relationship.
- Direct contact between the leadership in the two agencies is valuable; ADEQ and EPA should look for opportunities to continue bringing their leadership together.
- EPA has an expanding role around interstate (multi-state) and inter-Region (multi-Region) issues, such as watersheds that cross state or Regional boundaries.
- Pro-active approaches are important;
- Appropriately elevating issues early is important.
- Innovation in policy making, priority setting and approach has worked well and will continue to work well.
- Communication between ADEQ and EPA is good and should continue to improve; the agencies' leadership has a strong role in the continued growth of communication through their example and by providing direction to staff and line managers.
- There are opportunities to more clearly define State and EPA processes, for example, the process by which issues are elevated to senior management.
- There is interest in, and commitment to, moving towards performance-, or outcome-, based systems and approaches.

ADEQ and EPA agreed to record and ratify their commitment to working together as partners to achieve their common goals in a memorandum to all staff in each agency.

#### Discussion of Common Issues

During the late morning on July 20, representatives of each agency gave a short presentation about the main issues that they are facing. There were, for ADEQ: TMDL implementation, non-point management, and storm water enforcement in water; non-attainment, especially interstate non-attainment issues, in air; and brownfields and cleanup issues in waste. For EPA: TMDL's, watershed planning, non-point and interstate issues in water; non-attainment in air; and compliance, brownfields and cleanup issues in waste. After the presentations, small groups had more detailed discussions around issues in water, air and waste / cleanup. The general consensus was that these discussions were insightful and valuable. A number of next steps emerged. A record of these next steps is located in the appendices of this document.

#### Partnership Building

In the afternoon of July 20, ADEQ and EPA leadership brainstormed and grouped both roadblocks to partnership and areas where ADEQ and EPA complement each other. The complete list is attached, as grouped. A number of themes emerged:

- The partnership between ADEQ and EPA is generally well developed and successful. There is general recognition of the agencies' strengths and weaknesses and a commitment to work with / around these strengths and weaknesses.

- Leadership within ADEQ and EPA has a responsibility to instill this sense of partnership in the staffs and line managers.
- There is an opportunity for ADEQ to use EPA's skills / resources strategically, EPA is interested in the type of support ADEQ would like.
- There is a need for leadership in the agencies to continue to meet informally. There is interest in building a clearer understanding of issue elevation protocols and in ensuring that, at the same time, staff has appropriate opportunities to resolve issues before elevation.
- ADEQ and EPA are interested in exploring options for ADEQ to leverage, or learn from, work and initiatives in other EPA Region 6 states; EPA can be a catalyst for and facilitator of this leveraging / learning.
- There is an opportunity for closer coordination between ADEQ and EPA around information technology issues and for both ADEQ and EPA to participate more fully in national-level dialogues around these issues.
- There is a lot of interest in reaching agreement on and using environmental indicators.
- There has been recent success in streamlining reporting responsibilities (e.g., reducing the number of reports that ADEQ must send EPA; allowing for electronic reports) and there may be more opportunities for this type of streamlining.

#### Performance Partnership Agreement

Finally, leadership discussed their expectations for the ADEQ / EPA Performance Partnership Agreement. ADEQ wanted the PPA to set a clear benchmark that future employees can look at to understand the State / EPA relationship. They believed the PPA should be based on, and include, existing agreements but also go beyond existing agreements to bring as much flexibility and accountability as possible to the State / EPA relationship. EPA agreed that the PPA should bring both flexibility and accountability to the State / EPA relationship. They emphasized the importance of including in the PPA core performance measures, which are likely based largely on a state's contribution to achievement of annual government performance results act targets. Both agencies also agreed that EPA's participation in ADEQ's ongoing efforts around strategic planning, performance measures and performance-based budgeting is critical to PPA development.

ADEQ and EPA agreed to target July 1, 2001 for a final, signed PPA. The agencies agreed that this is an aggressive goal, but one that was worth trying for. The next steps in PPA development for each agency was to name their PPA teams and for these teams to have a kick-off meeting to develop the details of the PPA objectives and schedule.

#### January 19, 2001 Kick Off PPA Meeting

Staff from U.S. EPA Region 6<sup>2</sup> (EPA) and the Arkansas Department of Environmental Quality<sup>3</sup> (ADEQ) met on January 19, 2001 to plan and discuss the 2001 Performance

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<sup>2</sup> Gerald Fontenot, Len Pardee, and Kay Schwab

<sup>3</sup> Mike Bates, Dennis Burks, Tony Davis, Jennifer Horton, Becky Keogh, Mary Leath, Keith Michaels, Frieda Patton, Kevin Pierson, Lynda Perry, Cathalene Purvis, Sherry Gage, Leigh Ann Chrouch, Nelson Jackson, and Bruce Kirkpatrick.

Partnership Agreement Process. The group discussed the agency's mutual goals and priorities, the various roles of EPA and ADEQ, and themes for the Performance Partnership Agreement.

From the discussion it was evident that ADEQ and EPA agree on a set of high-level priorities but lacked agreement in specific program areas. The specific areas of disagreement included: interstate environmental issue resolution, federal vs. state priorities, environmental justice implementation, coordination of enforcement activities, support of innovation and flexibility in permit requirements, information and data exchange, and accountability for upholding current agreements.

The meeting concluded with a discussion of the next steps needed to produce a PPA by July 1, 2001. The most prominent next step listed was the reassembly of ADEQ's strategic planning goal groups: air, water, and land. These groups met, with EPA participating by videoconference, to further discuss and propose solution to these issues.

The results of these working sessions are discussed in the next section. The minutes of these meetings can be found in the appendices of this document.

### Air Program Video Conference

The meeting began with introductions and a welcome for all participants<sup>4</sup>. The first part of the meeting was spent discussing what the individual members hoped to accomplish with the performance partnership agreement process. Keith Michaels, Chief of the ADEQ Air Division, spoke that he hoped that the PPA process could be used to ensure that EPA and ADEQ's goals are aligned and supportive of one another.

The next section of the meeting was a discussion of ADEQ's strategic plan. EPA complimented ADEQ on its strategic plan, but thought it would be useful if specific Federal laws and programs were noted. It was agreed that EPA would make these clarifications in the PPA document. EPA also requested that ADEQ include text that describes striving for "high quality" permits. EPA agreed to develop this text as well.

Next, the group reviewed the core performance measures for Air. In addition, two other issues were discussed: the definition of Region 6's role in interstate environmental issues and the status of the ADEQ MACT delegation package. Both issues were brought up by ADEQ. Currently, ADEQ is struggling with ozone violations in West Memphis, Arkansas. The problem is exacerbated by the fact that the area of concern is at the boundaries of two cites, three states, and two EPA regions. The Air Division of ADEQ would like for EPA to take a leadership role to resolve problems in this area. ADEQ also requested a status report on its MACT program delegation application package that was submitted for approval.

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<sup>4</sup> EPA: Dorothy Whaley, Permits; Mary Stanton, Permits; Michelle Kelly, Enforcement; Herb Sherrow, Planning; Janice Younger, Grants; Len Pardee, ADEQ/EPA PPA Co-Chair; Kay Schwab, ADEQ/EPA PPA Co-Chair. ADEQ: Keith Michaels, Chief Air Division; Tony Davis, Planning; Tom Hudson, Enforcement; Tom Rheaume, Permitting; Frieda Patton, Asbestos and Lead-based Paint Section; Jeff Cole, Planning; Mark McCorkle, Permitting; Anna Hubbard, Enforcement; Kevin Pierson, ADEQ/EPA PPA Chair.

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## Water Program Video Conference

The meeting began with introductions and a welcome for all participants<sup>5</sup>. The first part of the meeting was spent discussing what the individual members hoped to accomplish with the performance partnership agreement process. Bruce Kirkpatrick, ADEQ Water Division Assistant Chief, stated that the PPA process has been going on in some form or fashion for years and that we simply need to make some decisions and get on with the process. Bruce felt there were several items that needed to be addressed and that should be resolved through the PPA process.

The next section of the meeting was a discussion of ADEQ's strategic plan. Len Pardee, EPA, stated that he liked the plan but he felt it needed more detail in describing how ADEQ was going to accomplish its goals. He stated that he understood that the plan was a list of "high-priority" items; however, he felt it still needed additional programs detailed. The participants agreed that more detail could be added in the PPA to better describe the total water program (e.g., a priority system for operating a point source control program so that permit issuance/re-issuance, pretreatment audits, sanitary sewer overflow [SSO's] identification/removal efforts, storm-water requirements and inspection/enforcement activities work together to achieve maximum loading reductions for key parameters in impaired water bodies). Len asked if there was anyway that ADEQ could set up its permitting operations to allocate more time to permits that produce greater loading reductions. Bruce stated that that is difficult for ADEQ because permits are processed as they come in, not selectively.

Bruce also discussed the fact that Arkansas has been issuing "water quality based permits" for a long time. These permits are already addressing the water quality problems of the area. After this, EPA requested clarification on Objective 2 (Issue all required Water Quality Management Plans by 2010), the addition of an objective for the Class V Underground Injection Control Program, and the addition of an objective for the 503 Sludge Programs. Next, the group reviewed the core performance measures for water and enforcement programs.

Five specific items were then discussed at the meeting: the role of Region 6 in interstate environmental issues, EPA backing of ADEQ on water quality standards, permitting oversight, 104 B-3 grant money, and the Underground Injection Control Program -- Class V Well Program.

First off, ADEQ requested that EPA better define its role in interstate environmental issue resolution. ADEQ Water Division personnel cited numerous occurrences (City of Fayetteville Permit, Lee Creek, G.P. Crossett, and City of Fort Smith) where ADEQ felt EPA needed to increase its involvement in facilitating the resolution of problems. ADEQ suggested developing a protocol or guidance for this process. Next discussed was EPA's backing of ADEQ on standards and permitting. ADEQ gave an example of a recent legislative initiative to take Lee Creek off of the Extraordinary Resource Waters list. ADEQ Water Division personnel felt that they received mixed messages from Region 6 on the level of support that ADEQ could get from EPA. ADEQ stated that similar problems had

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<sup>5</sup> EPA: Joan Brown, Assistance Program Branch Chief; Donna Miller, State/Tribal Programs Section Chief; Len Pardee, State/Tribal Programs Section and PPA Co-Chair; Mike Tillman, NPDES Permits; John Stadelman, Outreach Team; Bill Hurlbut, UIC Section; Mike Bira, Water Management; Kay Schwab, NPDES Compliance Assurance and Enforcement and PPA Co-Chair. ADEQ: Bruce Kirkpatrick, Assistant Chief of Water and acting Chief of Environmental Preservation Division; Mark Bradley, Permits; Bill Keith, Planning; Keith Brown, State Permits; Joe Williford, permits, and Kevin Pierson, PPA Co-Chair.

occurred with water permitting issues. ADEQ asked for all three of these items to be addressed in the Performance Partnership Agreement. The next item was changes to the 104 B-3 Grant program. EPA stated that nationally this program had become a competitive grant process. In regard to permitting oversight ADEQ requested that EPA agree to defer to ADEQ's technical decisions on "gray areas" when there is not a water quality issue. Finally, EPA asked about the status of ADEQ's Underground Injection Control Program. ADEQ stated that it is working on the program and would add the UIC program to its list of objectives.

## Land Program Video Conference

The meeting began with introductions and a welcome for all participants<sup>6</sup>. The first part of the meeting was spent discussing what the individual members hoped to accomplish with the performance partnership agreement process. Mike Bates, Chief of the ADEQ Hazardous Waste Division, spoke that the PPA process should ensure that ADEQ's reporting requirements were targeted to mutual environmental goals.

The next section of the meeting was a discussion of ADEQ's strategic plan. Region 6 wanted ADEQ to add more emphasis on the Brownfields Program. ADEQ agreed and suggested consideration of objectives for smart growth initiatives in future strategic planning. Also, EPA commented that there was no mention of the RCRA or Superfund programs. ADEQ members explained that they felt these programs were covered in the strategic plan without necessarily naming them. One reason for this is that ADEQ's Strategic Plan is organized around six high level goals -- air, water, land, environmental management, public involvement, and science and technology -- not necessarily on federal programs or laws.

Next, the group reviewed the core performance measures for Land Programs. Finally, three specific items were discussed at the meeting: the role of Region 6 in interstate environmental issues, burden reduction, and commitment to a work group clarifying contingency planning regulations and guidance for financial assurance. For the first item, ADEQ requests that Region 6 takes on more of a leadership role in interstate environmental issues. Specifically, ADEQ mentioned problems with the granting of variances for transportation of wastes between states. ADEQ also requested a commitment to complete the burden reduction process started last summer and developing a work group for clarification of contingency planning and financial assurance processes in the hazardous waste programs.

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<sup>6</sup> EPA: Stan Hitt, Brownfields; Van Cammack, RCRA Permitting; Bill Honker, Superfund; Gus Chavarria, Superfund; Teena Hullum, RCRA Grants; Audray Lincoln, UST Grants; Steve Vargo, Associate Director 6PD; Mark Potts, Carol Peters, and Katy Griffith, Hazardous Waste Enforcement, Len Pardee and Kay Schwab, AR PPA Co-Chairs. ADEQ: Mike Bates, ADEQ Hazardous Waste Division Chief; Joe Hoover, Active Sites; TammieHynum, Technical and Administrative Support; Lynn Shaw, Site Assessment; Brian Wakelyn, Groundwater; Cindy Harmon, Data Management; Tom Ezell, Program Planning; Dennis Rostad, Risk Assessment; Kin Siew, Remedial; Daniel Clanton, Engineering, and Jim Rigg, Groundwater.

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## Purpose and Scope of the Agreement

### National Environmental Performance Partnership System

The National Environmental Performance Partnership System (NEPPS) attempts to improve the partnership between EPA and the States. NEPPS is designed to: promote joint planning and priority setting by EPA and the States; provide States with greater flexibility to direct resources where they are needed most; foster use of integrated and innovative strategies for solving water, air, and waste problems; and achieve a better balance in the use of environmental indicators and traditional activity measures for managing programs.

The primary mechanism for implementing NEPPS is for an EPA Regional Office and a State to develop a Performance Partnership Agreement (PPA) to detail the joint priorities and how the two partners will work together. In addition, program grants to a State can be combined into a Performance Partnership Grant (PPG) to better utilize grant money and reduce burden.

More than half of the States have elected to negotiate and enter into Performance Partnership Agreements (PPAs). Although each PPA is different, PPAs typically set out jointly developed goals, objectives, and priorities; the strategies to be used in meeting them; the roles and responsibilities of the State and EPA; and the measures to be used in assessing progress. (In some cases, comparable negotiated agreements are given a different name, such as Environmental Performance Agreements.) A PPA is generally based on information about the environmental and program conditions of the State as well as national and regional priorities and concerns. A State may apply for and receive any grant, including a Performance Partnership Grant (PPG), without negotiating a PPA. However, a PPA can provide the strategic underpinning for the work a State plans to carry out with EPA financial assistance, and the PPA can serve as a grant work plan if it meets other grant-related statutory and regulatory requirements.

As part of the effort to develop this PPA, ADEQ is currently considering whether it is in the agency's best interest to pursue a PPG. A PPG would likely require different financial accounting techniques and change the operating processes of many programs. ADEQ must evaluate whether enough benefits can be realized within a PPG to offset the temporary financial and program disruptions that will likely occur when changes are made. EPA Region 6 supports this approach.

While ADEQ and EPA have been working through drafting this Performance Partnership Agreement (PPA) and its predecessor the ADEQ Strategic Plan, three areas have emerged which if improved will help ADEQ and EPA better complete the difficult tasks which lie ahead.

- Proactive vs. Reactive Working Relationship

Through devoting more time and effort to planning and communication EPA and ADEQ pledge to reduce and hopefully eliminate the amount of time spent on reactive type activities. Reactive episodes tend to damage relationships and consume large amounts of time and energy with little results. By better planning major activities, anticipating controversial announcements and maintaining effective communication we hope to avoid these situations. ADEQ and EPA staff and senior management commit to treating each

other as equal partners and to develop strong lines of communication and use them frequently. It may prove worthwhile to develop a "Communication Strategy" to highlight areas where staff and management should devote increased attention to communication so reactive situations are avoided.

- Consistency and Coordination with Major Business Processes

In areas where ADEQ and EPA are having difficulty completing major efforts in a smooth and expedient manner, senior managers may review the major business processes of the two agencies to evaluate whether basic inconsistencies in processes are at the root of the problem. Some processes may be dictated by statute or regulation and therefore may not allow much flexibility in the short term, but, recognizing the differences in processes will help each agency develop more realistic schedules for major tasks.

- Consistent, Clear and Expedient Processes for Required Adoptions/Modifications

While operating major environmental programs, the ADEQ is required to adopt and modify regulations, policies and delegation agreements. The process of developing these is very complex and usually requires EPA approval. At times some of these efforts have bogged down when a difficult issue is encountered and a lack of a clear process or strategy has caused confusion on who is required to take the next step. Processes need to be put in place so responsibilities are clearly outlined and so difficult issues are elevated to senior management for resolution before a long delay occurs. ADEQ and EPA pledge to work together to streamline processes for developing and approving required major packages.

## Scope of This Performance Partnership Agreement

Many options are available for the scope of an agreement such as a PPA in terms of what agencies are involved, what programs are involved, and the time period of the agreement. The current approach is to keep the scope fairly limited and expand the scope in future years. For the present agreement, the scope will be the working relationship between EPA Region 6 and ADEQ. The programs involved will be all programs administered by the ADEQ and all EPA Region 6 programs that are common to ADEQ. The time period of the agreement is expected to be one year, however, this will be re-evaluated at a future date to decide what time period best suits the programs. In the future, this PPA may be expanded to discuss the coordination ADEQ currently does with its closest Local/State/Federal partners and possibly expanded to cover areas where ADEQ needs to increase coordination. It is envisioned that a priority list of environmental problems could be generated, the current approach to solve those problems could be discussed (including the current coordination efforts), and future coordination and outreach needs could be identified.

## Current Grant Relationships, Understandings, and Agreements

At this time, ADEQ prepares categorical work plans for federally funded grant programs. ADEQ participates in the programs shown below. These are eligible to be combined into a Performance Partnership Grant. ADEQ has the option to combine some or all of these program grants at some time in the future.

- Air pollution control (Section 105 of the CAA),
- Water pollution control (Section 106 of the CWA),



- Underground water source protection (Section 1443[b] of the SDWA),
- Hazardous waste management (Section 3011[a] of the Solid Waste Disposal Act),
- Lead-based paint program (Section 404[g] of the Toxic Substances Control Act),
- Toxic substances compliance monitoring (Section 28[a] and [b] of the Toxic Substances Control Act),
- State underground storage tanks (Section 2007[f][2] of the Solid Waste Disposal Act),
- Pollution prevention incentives for states (Section 6605 of the Pollution Prevention Act of 1990),
- Water quality cooperative agreements (Section 104[b][3] of the CWA), and
- Wetlands development grants program (Section 104[b][3] of the CWA).

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Over the years, ADEQ and EPA have developed several understandings and agreements that document various procedures (see appendices). The agencies have relied on these detailed agreements to guide their relationship. Some of these are program delegation agreements, including regulatory requirements, while others document understandings reached by the parties involved regarding issues of concern. The PPA is intended to be the primary relationship agreement between ADEQ and EPA; however, it is not intended to override the regulatory requirements of previous agreements between the agencies. EPA and ADEQ agree to update and delete these understandings and agreements as needed over time. If new detailed agreements are necessary, such agreements will be consistent with the PPA.

## Review Process

ADEQ and EPA will communicate informally as the need arises throughout the term of this agreement. In February 2002 (9 months into this agreement), ADEQ and EPA will review the progress made on identified topics in the "Next Steps." Also, at this time if ADEQ has made a decision to proceed with a PPG for FY2004, EPA and ADEQ will need to meet to discuss what document(s) will serve as the work plan(s) for the PPG -- a modified version of the PPA or current categorical work plan(s). According to grant regulations, EPA must receive a final application/ work plan(s) 60 days prior to award of continuing environmental programs to allow pre-award costs to be claimed.

The Federal Deadlines for application for a Performance Partnership Grant are:

- May 1, 200X      ADEQ submits draft work plan/ application
- June 1, 200X      EPA submits comments to ADEQ
- July 1, 200X      ADEQ submits revised work plan/ application
- August 1, 200X   EPA notifies ADEQ application/ work plan approved

Additionally, ADEQ and EPA will determine what changes, updates, etc. are needed for the subsequent PPA beginning July 1, 2002.

An annual review/report of the PPA will be jointly/compiled by ADEQ and EPA. This report will include the following and be posted on ADEQ's website ([www.adeq.state.ar.us](http://www.adeq.state.ar.us)):

- General discussion of the strengths and weakness of the partnership for the PPA period
- Status of "Next Steps" – Was effort completed or is this an ongoing effort?
- Input/reporting on Core Performance Measures
- Summary of changes, updates and challenges included in the subsequent PPA

## Arkansas Department of Environmental Quality Strategic Planning

ADEQ's Strategic Plan provides a high-level view of the Arkansas Department of Environmental Quality's (ADEQ) vision for the future and its associated goals, objectives and strategies. ADEQ's mission is to **protect, enhance and restore the natural environment for the well-being of all Arkansans**. ADEQ uses this mission to bind the vision, goals, objectives and strategies recorded in its plan.

ADEQ has six goals. These goals reflect the environmental concerns, needs and responsibilities of the people who work, live and raise families in Arkansas. For each goal ADEQ has identified a number of milestones. The Department has also identified key short-term actions and strategies that it will use in working towards these milestones. Throughout the plan ADEQ recognizes the important contributions that it receives from its partners, the U.S. Environmental Protection Agency, the Arkansas Pollution Control and Ecology Commission, the Arkansas Soil and Water Conservation Commission, the Arkansas Department of Health, the Arkansas Forestry Commission, the Arkansas Geological Commission, the Arkansas Game and Fish Commission, the Arkansas Oil and Gas Commission, the Arkansas Environmental Federation, and many others.

ADEQ's Strategic Plan does not record everything ADEQ does to regulate and protect the environment. It is intended to communicate the high-level visions and goals and, through the objectives and key strategies highlighted, give a clear sense of ADEQ's priorities. As a management tool, the plan guides decision-making and helps ADEQ avoid conflicting or duplicated efforts.

To complement its Strategic Planning, ADEQ initiated work in several key functional areas critical to enhancing the agency's efficiency and effectiveness. ADEQ is developing a system of performance measures, to aid in understanding trends in environmental quality and to help evaluate the effectiveness of the Department's programs and actions. In concert with a similar statewide effort, ADEQ has designed an approach to performance-based budgeting and reporting that will help target resources toward environmental priorities, manage costs, and ensure accountability. ADEQ has also developed a plan to enhance the management of information, supporting wide access to data and integration of information from different programs.

ADEQ's Strategic Plan is located on ADEQ's website at [www.adeq.state.ar.us](http://www.adeq.state.ar.us).

## U.S. Environmental Protection Agency Strategic Planning

For the past 30 years, the U.S. Environmental Protection Agency (EPA) has been working towards a cleaner, healthier environment for the American people. EPA's mission is clear:

*The mission of the Environmental Protection Agency is **to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends.***

EPA has made great progress toward its mission since the agency was created in 1970. Today, millions of Americans are breathing cleaner air, drinking water that meets standards for health, and eating food that is safe from pesticide residues. Citizens are better protected from toxic waste and hazardous chemicals. Together with their state, tribal, and local government partners, EPA is cleaning up hazardous waste sites at a rate that quadruples earlier efforts and revitalizing urban communities by returning sites to productive use. EPA has also learned a great deal about the causes and consequences of environmental problems and the toll they take on human health, particularly on our children and other vulnerable populations, and EPA has gained experience in solving these problems.

Many of the advances in environmental protection would not have been possible without the participation and support of the states. Working together, we have forged the strong partnerships that are essential to protecting human health and the environment and achieving our goals and objectives. Many federal environmental statutes call for EPA to authorize or delegate to states the primary responsibility for implementing programs and designate them as co-regulators, once EPA has confirmed that they meet certain qualifying criteria. A new relationship between the states and EPA is emerging—one that allows adaptation to changing priorities and experimentation with new ideas. Each has important roles to play, and by cooperating and collaborating with one another, better results are achieved at lower costs.

As a steward of America's environment, EPA plays a vital role in society and in ensuring our nation's health and quality of life. With states, tribes, and local governments, they lead America's environmental protection efforts and are accountable to the American people for achieving results that will make a real difference in citizens' lives. EPA's Strategic Plan describes how they intend to achieve these results and realize the trust that Congress and the American people have vested in the Agency.

EPA's Strategic Plan for Fiscal Years 2000 through 2005 includes ten long-term goals around which efforts will be focused over the next five years. These goals are shown below in the ADEQ/EPA Crosswalk of Strategic Planning Goals. EPA's Strategic Plan can be found at EPA's website at [www.epa.gov](http://www.epa.gov).

## ADEQ and EPA Crosswalk of Strategic Planning Goals

### ADEQ

Air – The air is clean and healthy.

Water -- The physical, chemical and biological integrity of all Arkansas waters are protected and enhanced.

Environmental Management – The department efficiently and effectively applies its resources and authorities to achieve the highest standards of agency and environmental management.

Public Involvement – The public uses ADEQ information and resources, in a timely and meaningful manner, to protect and manage their environment.

Science and Technology –□

### U.S. EPA

Clean Air – The air in every American community will be safe and healthy to breathe. In particular, children, the elderly, and people with respiratory ailments will be protected from health risks of breathing polluted air. Reducing air pollution will also protect the environment, resulting in many benefits, such as restoring life in damaged ecosystems and reducing health risks to those whose subsistence depends directly on those ecosystems.

Clean and Safe Water – All Americans will have drinking water that is clean and safe to drink. Effective protection of America's rivers, lakes, wetlands, aquifers, and coastal and ocean waters will sustain fish, plants, and wildlife, as well as recreational, subsistence, and economic activities. Watersheds and their aquatic ecosystems will be restored and protected to improve public health, enhance water quality, reduce flooding, and provide habitat for wildlife.

Effective Management – EPA will maintain the highest-quality standards for environmental leadership and for effective internal management and fiscal responsibility by managing for results.

Quality Environmental Information – The public and decision makers at all levels will have access to information about environmental conditions and human health to inform decision-making and help assess the general environmental health of communities. The public will also have access to educational services and information services and tools that provide for the reliable and secure exchange of quality environmental information.

Sound Science, Improved Understanding of

### ADEQ

The Department uses sound science and current technology to make environmental decisions.

No ADEQ equivalent at the goal level. The Arkansas Department of Health is responsible for this goal.

No ADEQ equivalent at the goal level, but pollution prevention is a cornerstone of many objectives and strategies. Pollution Prevention is also one of the seven overall guiding principles in ADEQ's Plan.

No ADEQ equivalent at the goal level, as not in the mandates of the State.

No ADEQ equivalent at the goal level, but environmental activities and compliance assistance are found within the Department's objectives and strategies.

### U.S. EPA

Environmental Risk, and Greater Innovation to Address Environmental Problems

Safe Food – The foods Americans eat will be free from unsafe pesticide residues. Particular attention will be given to protecting subpopulations that may be more susceptible to adverse effects of pesticides or have higher dietary exposures to pesticide residues. These include children and people whose diets include large amounts of noncommercial foods.

Preventing Pollution and Reducing Risk in Communities, Homes, Workplaces, and Ecosystems – Pollution prevention and risk management strategies aimed at eliminating, reducing, or minimizing emissions and contamination will result in cleaner and safer environments in which all Americans can reside, work, and enjoy life. EPA will safeguard ecosystems and promote the health of natural communities that are integral to the quality of life in this nation.

Reduction of Global and Cross-Border Environmental Risks – The United States will lead other nations in successful, multilateral efforts to reduce significant risks to human health and ecosystems from climate change, stratospheric ozone depletion, and other hazards of international concern.

A credible deterrent to pollution and greater compliance with the law – EPA will ensure full compliance with laws intended to protect human health and the environment.

## ECOS & EPA Core Performance Measures

This agreement outlines the measures that will be used to gauge progress in achieving ADEQ and EPA's environmental goals. After careful consideration of the Core

Performance Measures (CPMs) agreed to by EPA and the Environmental Council of the States (ECOS), ADEQ and EPA are taking the following steps to establish comprehensive, meaningful measures:

- 1) The agencies are reporting on CPMs to the extent existing data is available.
- 2) Where data is not available, each agency will develop plans on how to obtain the data or explain its position on why a CPM is not relevant.
- 3) ADEQ and Region 6 are developing measures that will be more relevant to Arkansas.
- 4) In developing a measurement strategy, ADEQ and EPA recognize that the state measures and, in some cases, the CPMs themselves are currently evolving. ADEQ and EPA are moving toward measuring by environmental indicators more so than simply measures of the agencies' activities.

## Compliance and Enforcement

ADEQ and EPA Region 6 are working together to enhance the effectiveness of deterring violations through mutually supportive compliance and enforcement strategies. The elements of these strategies appear in the program-specific partnering agreements referenced in this document.

ADEQ and EPA will continue working together to improve communication and coordination of compliance and enforcement activities. However, while ADEQ and EPA will cooperate in administrative, civil, and criminal investigations and enforcement, we recognize that we each retain separate authorities to take separate actions based on the respective laws of each jurisdiction.

Toward this end on May 23, 2001 Region 6 and ADEQ met to initiate discussions for planning the FY 2002/2003 enforcement and compliance assurance activities.

### ADEQ/EPA FY 2002 Priorities Planning Meeting.

#### Summary of Discussions and Action Items

##### Air Program

- Maximum Achievable Control Technology (MACT) Training and Resources. ADEQ requested assistance (possibly through a Compliance Assistance Grant) with the Subpart T (Halogenated Solvent Cleaning MACT) and Subpart JJ (Wood Furniture Manufacturing MACT) of the Clean Air Act. ADEQ would like to train inspectors and assist the "small to mid-sized" businesses that these MACTs impact. ADEQ noted that they are aware of a high rate of Subpart JJ noncompliance in the State.
- AIRS Data Entry Training and Resources. ADEQ requested additional training on AIRS Data Entry, due to turnover of personnel. In addition, ADEQ requested training on the newly revised "Compliance Monitoring Strategy"

- Response Time and Feedback on ADEQ Determinations Forwarded to EPA. ADEQ noted that it takes too long to receive responses from EPA Region 6 regarding NSPS and MACT determination requests. The process either needs to be streamlined or changed to allow ADEQ to respond directly to the determination requests. ADEQ and EPA discussed the process (change in personnel who receive the requests and requesting information or approval from EPA Headquarters slow down the process) and EPA agreed to give an update on a few specific determination requests.
- Enforcement MOU. The status of the ADEQ/EPA Region 6 Enforcement MOU was discussed.

**Action Item:** ADEQ stressed that the new Enforcement MOU should be signed before the 2001-2002 Performance Partnership Agreement (PPA). This will be accomplished as soon as possible.

- ADEQ requested that EPA assist on a national level for customer outreach for both asbestos and lead programs.

#### Water Program

- In-Stream Gravel Mining. ADEQ asked for EPA assistance with a conflict between state water quality standards and the authority to allow in-stream gravel mining (Regulation 2 versus Regulation 15). ADEQ is receiving citizen's complaints concerning gravel mining in Crooked Creek in the White River Basin.

**Action Item:** EPA will contact the water quality standards program to see if anything can be done, however, Region 6 cannot guarantee results. EPA agreed to contact ADEQ within a couple of weeks.

- Sanitary Sewer Overflows. Joe Williford, ADEQ, inquired as to when the SSO regulations would become effective. EPA indicated that they were still in abeyance and that a schedule for review had not been set.

**Action Item:** Region 6 will contact Headquarters to see if any new information is available.

ADEQ requested that EPA evaluate the effectiveness of various I/I rehab and repair approaches in the Region. Region 6 indicated that the Region was now accepting proposals for research projects that were due next week. The grant budget is \$100,000.

**Action Item:** Region 6 committed to work with ADEQ to develop a proposal for submittal.

- Criminal Enforcement. Bruce Kirkpatrick, ADEQ, requested that EPA assist ADEQ in getting status reports from O.C.I.

**Action Item:** Region 6 agreed to look into it, if requested. ADEQ stated that there is nothing pending, however, ADEQ would like EPA to assist if problems develop.

- Non-Point Source Pollution (CAFOs and Stormwater). The non-point source issues discussed were CAFOs and stormwater. Keith Brown (ADEQ) wanted to know the status of the CAFO regulations. Region 6 indicated that they were still out for public comment

and had to be finalized by December 2001, due to a court action with citizen's groups. Otherwise, there is no new information.

- Stormwater issues. Region 6 reported that EPA was in the process of settling a referred case for a penalty of \$17,000 with payment over several years. Bruce Kirkpatrick indicated that they did not have the resources to implement a stormwater program statewide. EPA stated that they would assist in enforcement if needed. Bruce Kirkpatrick indicated that ADEQ was not interested in that approach; however, they might be interested in compliance outreach, or some contract inspection support.

**Action Item:** Region 6 agreed to search for contract inspection funds and continue discussions with ADEQ on possible outreach opportunities.

#### RCRA Program

- Reduce persistent, toxic, and bio-accumulative (BPT) constituents in HW by 33%. Discussion centered on this topic as a component of compliance awareness training for industry and public.
- Provide Compliance Awareness Training for General Public, Businesses, and Agriculture. ADEQ requested EPA assistance in developing materials for training. ADEQ requested the formation of a regional workgroup to resolve gaps in the programs.
- Financial Assurance. ADEQ requested training for capacity building of state personnel. Region 6 expressed a need for such training as well, and offered to request help from EPA Headquarters.
- Implementation of Contingency Plans. ADEQ expressed a need for clarification of the guidance for implementing contingency plans. ADEQ stated that there is not a consistent approach across states for incident reporting. In addition, industries in Arkansas do not want to report incidents that are contained on site.
- Electroplating Facilities Compliance Issues. Electroplating in Arkansas is a becoming an environmental problem. Some owners are abandoning shops and moving from one site to another. Region 6 offered to assist with electroplating facility compliance. Similar projects are now underway in Texas and Oklahoma. EPA stated that they would shift emphasis to Arkansas as Texas and Oklahoma projects are finishing. Region 6 will work with Joe Hoover in areas of capacity building.
- Aircraft Re-furbisher's Compliance Issues. ADEQ requested EPA assistance in developing training materials.
- Consistent Regulatory Interpretation in Each Regional State. ADEQ is experiencing problems in regulatory interpretation of recycling and use/reuse. Other states are not requiring material to be handled as hazardous waste and the waste is being shipped to Arkansas facilities. ADEQ considers this material to be hazardous waste. Region 6 agreed that this is an issue, and is working with OECA and OSW.
- Freight Companies Shipping Damaged Goods to Different Terminals for Waste Determinations. Region 6 agreed that the regulations and guidance could be clarified for defining when a product becomes a waste. Region 6 agreed to discuss with Headquarters.



- Tire Recall. While the tire recall to date has not been burdensome, there is a potential for future problems. ADEQ would like Region 6 to provide leadership, safeguards, and to take a proactive approach to ensure that the recall and disposal of the tires are done in accordance to applicable rules and regulations.
- De-listing Waste Guidance. ADEQ and Region 6 should work together to develop de-listing waste guidance for waste being transported from state to state. Currently each state has different regulations and/or guidance.

#### ADEQ Highlights

The following were additional needs discussed by ADEQ as innovative programs suggested for further evaluation and possible implementation.

- There is a need to develop similar language/terminology for all federal agency regulations. This applies to those agencies with similar missions (i.e. EPA, Dept. of Agriculture, Fish & Wildlife, Health Services, etc).
- A training module needs to be developed for first time violators.
- Need to develop electronic signature capabilities on manifests.
- There is a need for compliance tips that ADEQ can put out on the web (e.g. a quick guide).
- Need to prioritize corrective action sites.

### Agency Level Issues

#### Interstate Environmental Issues

Environmental problems have no regard for state lines. Many of the challenges that Arkansas faces are problems shared with its neighbors. In air quality, the Memphis – West Memphis area of Arkansas, Tennessee, and Mississippi is beset with elevated levels of ozone. To solve these problems, three states, two cities, and two EPA regions must find a way to effectively work together. In water quality, Oklahoma and Arkansas have to find solutions for decreasing the pollutant loads in the Illinois and Arkansas rivers. And in land, the transportation of waste across state lines is an issue that dates back to the first article of the United States Constitution, the Commerce Clause.

ADEQ desires a dialog with Region 6 to better describe the region's role in all of these issues. Where appropriate, ADEQ would like to see EPA take on more responsibility in facilitating the solution development to the interstate problems that plague Arkansas.

#### Quality Assurance

EPA policy states that Quality Assurance requirements must be met any time EPA funds are used in connection with the generation or interpretation of environmental measurements. A consistent, State/EPA-wide quality system will provide, when implemented, the needed management and technical practices to assure that

environmental data used to support State/EPA decisions are of adequate quality and usability for their intended purpose. Because most State/EPA decisions rest on environmental data, a management system is needed that provides for: (1) identification of environmental programs for which QA and QC activities are needed, (2) specification of the quality of the data required from the environmental programs and (3) provision of sufficient resources to assure that an adequate level of QA and QC activities are performed. The basic requirements of the QA program are that each agency must have a Quality Assurance Management Plan (QMP) and each project (separate data gathering efforts) must have a Quality Assurance Project Plan (QAPP).

A QMP is a formal document that describes the quality system in terms of the organization's structure, the functional responsibilities of management and staff, the lines of authority and the required interfaces for those planning, implementing and assessing all activities conducted. A QAPP is a formal document describing in comprehensive detail the necessary QA, QC and other technical activities that must be implemented to ensure that the results of the work performed will satisfy the stated performance criteria. The QAPP components are divided into 4 classes: (1) Project Management, (2) Measurement/Data Acquisition, (3) Assessment/Oversight, (4) Data Validation and Usability.

ADEQ currently submits one QMP for all programs that conduct monitoring or handle environmental measurements. ADEQ commits to continuing to submit QMP revisions and QAPP revisions/new submissions on a timely basis, so sufficient time is allowed for review before monitoring must begin. EPA commits to review QMP's within the review period of 10 working days and QAPP's within the allowed 30 days as specified in the EPA Region 6 QMP.

## Information and Data Exchange

Advances in science and technology have drastically changed the way ADEQ and EPA work to accomplish environmental goals. The high pace of technology-driven changes, especially the information technology revolution and the public's expectation that it will be an informed participant in environmental decision-making, require both agencies to continually reassess their ability to take advantage of technology. ADEQ and EPA believe that the environmental information and related systems used to support regulatory and policy decisions must be of high quality. Technological advancements now allow us to "look closer and dig deeper." Our ability to understand the life cycle of toxic substances and their effect on human and ecosystem health is expanding. These technology-supported programs of environmental management depend on strategic investments in equipment and personnel. Finally, sound science means not only using state-of-the-art equipment and producing high-quality data in the laboratory, it means working with private laboratories and the regulated community to help them improve the quality of their environmental data.

To meet these needs ADEQ is implementing an integrated environmental information system (IIS). The IIS will help ADEQ's staff to process its work more efficiently and help to perform environmental and policy analyses. To implement an IIS, the strategies include: the establishment of a workgroup to guide the process, the development of data standards and definitions to help ensure that meaningful data is tracked by the system, and the development of a plan for choosing and migrating to the new system. In addition, the foundation needs to be laid for the integration of other types of data with the IIS, such as ambient environmental data, document imaging databases, etc.

The desire is to make useful information maintained by the Department easily available to those outside the agency's Little Rock offices. The first step is to improve ADEQ's data communications with field offices. This will also allow the field offices to be potentially useable by the public as information sources. Additional steps will be to determine what information should be presented on the ADEQ's web site and to make the web site capable of presenting that information. Then, when the IIS is in place, this information will be presentable to the public through ADEQ's web site.

In addition to presenting data, ADEQ needs to improve its ability to accept data. Currently, only on-line complaints using our web site, and certain Hazardous Waste reports can be delivered electronically. These efforts will be expanded to other areas, especially regulatory reporting requirements, and will take advantage of appropriate or "best use" methods of transmitting data, whether that would be, for instance, via the Internet or by sending floppy diskettes.

ADEQ wants to improve the public's ability to analyze and find data using geographic-based methods. ADEQ will substantially increase its GIS capability, by (1) adding a GIS-oriented section that will oversee the Department's efforts in this area; and (2) , developing a high-quality inventory of the precise geographical location (latitude-longitude coordinates) for all environmental points of interest in the state , including permitted facilities, non-permitted sites, monitoring locations, etc.

EPA has committed to supporting ADEQ in all of these endeavors.

### Burden Reduction

During 1998 EPA and the Environmental Council of States (ECOS) began a national initiative to reduce the regulatory burden on the States and the regulated community. As part of this, EPA piloted efforts across the country to review State reporting requirements and look for areas where reporting could be reduced without sacrificing accountability or negatively affecting program operations. ADEQ was selected as a pilot State to look for Burden Reduction opportunities. The process began with EPA and ADEQ developing a list of current reporting requirements and then negotiating potential reductions. Actual implementation of reductions varied by program. EPA is in the process of taking steps to comprehensively implement the reductions.

Another purpose of this PPA will be to continually evaluate reporting requirements to ensure that all reports being submitted are streamlined to only the necessary elements, required at the minimum frequency, and that any unnecessary reports are eliminated. As ADEQ's information management and performance measurement systems are developed, burden reduction concepts will be carefully considered.

### Environmental Justice

ADEQ has a long history of environmental justice activities ranging from a publicly financed water distribution system to serve low income citizens living in proximity to a closed landfill, the passage of legislation (first in the nation) to limit the clustering of landfill sites impacting minority and low income communities, and supporting effective protests of certain permitted activities which adversely influence the quality of minority and low income areas.

EPA and ADEQ plan to build upon this history. ADEQ and EPA must bridge the gap between regulatory agencies and the minority and low-income communities that they serve. This can be accomplished through the following efforts:

- Enhance effectiveness in complying with Title 6 of the Civil Rights Act of 1964 through dissemination of environmental information.
- Provide multi-media, geographically visualized, environmental information to community and grassroots organizations.
- Conduct audits of possible environmental injustices within the state,
- Develop strategies and corrective actions to safeguard the health and safety of communities impacted by possible environmental injustice within the state, and

Provide a proactive voice within both agencies when acquiring a site for a new facility that may impact minority and low-income communities.

### Public Involvement

ADEQ and EPA are serious about their commitment to serving the public through improving information distribution and increasing public/private partnerships. The agencies understand that EPA, ADEQ, and the public must work together to accomplish environmental goals and objectives. Arkansas citizens' need and demand for environmental information and participation in decision-making is growing.

To meet this demand ADEQ and EPA have committed to:

- Accurate, easily accessible, and relevant information.
- Meaningful opportunities to participate in decision-making processes.
- Increasing public knowledge of environmental obligations and the consequences of actions and choices.
- Sponsoring jointly, events highlighting environmental achievements and concerns. These activities will be organized to encourage direct public involvement and news media coverage to enhance broad public awareness.

### ADEQ and EPA Region 6's Agency Level Next Steps for This PPA Period

<b>D ue D at e</b>	<b>Item</b>	<b>Person Respon sible</b>
<b>A u g 20 01</b>	Finalize burden reduction efforts	Rob Lawrenc e
<b>D ec 20</b>	Initiate process to define EPA Region 6's Role in interstate environmental issues	Mary Leath and Sam

<b>D ue D at e</b>	<b>Item</b>	<b>Person Respon sible</b>
<b>01</b>		Coleman
<b>D ec 20 01</b>	Coordinate more closely on information technology and management issues. Update Region 6 on progress of ADEQ's database integration project.	Robert Gage and Lynda Carroll
<b>D ec 20 01</b>	Develop a process for timely review and exchange of comments between EPA and ADEQ on all program delegations and other significant program actions.	Jerry Clifford and Mary Leath
<b>D ec 20 01 dr aft Fi na l by M ay 20 02</b>	Prepare a formal report describing all agreements between ADEQ and EPA including a brief description of the purpose of the agreement, contact information, date of signature, and status.	Al Eckert
<b>Fe b 20 02</b>	Evaluate PPA achievements, coordinate review processes, and determine whether ADEQ/Region 6 will pursue PPG.	Mary Leath and Sam Coleman
<b>Ju n 20 02</b>	Coordinate Action Items in the Compliance and Enforcement Section .	Becky Keogh

## Program Level Issues -- Air

### Current Challenges

In many ways and in many areas, the air in Arkansas is already clean and healthy. Unlike states with larger, more concentrated urban centers, greater population, and more concentrated industry, Arkansas' relatively smaller population and agricultural history have spared its citizens from many of the serious air quality problems that plague the Midwest and Northeast. Arkansas is one of only a handful of states that currently and consistently meets all Federal air quality standards for criteria pollutants -- such as sulfur dioxide, nitrogen oxides, hydrocarbons and lead. Therefore, efforts are focused on maintaining good air quality where it exists.

At the same time, Arkansas is currently faced with meeting existing Federal standards for ozone and particulates and developing plans to meet new Federal standards for ozone and fine particulates. The data indicate that Crittenden County in East Arkansas as well as Faulkner, Lonoke, Pulaski, and Saline counties in Central Arkansas are currently not meeting the new ozone standard. Crittenden County is in the process of being designated non-attainment for the national air quality standard for ozone. Central Arkansas may also be designated non-attainment for the same standard, and preliminary data show five to seven counties throughout Arkansas may become non-attainment for the national ambient air quality standard for fine particulate matter (referred to as the PM 2.5 standard). Managing these complicated non-attainment issues is critical to preserving air quality in Arkansas and maintaining general economic development. If air quality is not maintained to Federal standards, state highway funds and metropolitan growth may be adversely affected.

In addition to non-attainment issues, ADEQ and EPA will be renewing over 260 operating permits to incorporate new Federal clean air requirements. Included in this number will be six hazardous waste combustors. These permits are technically complex and very important to the communities in which these projects are located. In addition, there are several hundred minor source permits that require ongoing review.

### Changes Ahead

- Area and mobile sources: Greater emphasis and resources focused on reducing emissions from area sources and mobile sources within statutory and funding constraints, while maintaining an effective point source control program.
- New approaches to reducing emissions: Supplement regulatory programs by promoting and providing education, technical assistance, pollution prevention, and other innovative reduction and prevention efforts designed to reduce or prevent the impacts of air pollution.
- Better science: Continue to enhance the scientific basis of our programs through monitoring, modeling and other tools that improve our understanding of Arkansas' air quality, emphasizing new federal ambient air quality standards, toxic air emissions, and visibility impacts.

- Better service: Continue to improve customer service by providing information to the public, effectively responding to complaints, improving technical assistance and compliance assurance. Region 6 and ADEQ also need to work together with local governments, business, citizens and other stakeholders to prevent pollution and find place-based solutions to environmental problems.

## Objectives and Strategies

*Objective 1.* Utilize a multifaceted approach of monitoring, modeling, and inventorying to assess air quality for 100% of the population in Arkansas.

By 2001, ADEQ will locate suitable sites for three fine particulate speciation monitors. By 2003, it will begin to collect and analyze data from these monitors. (ADEQ Technical Services and Air divisions)

By 2002, ADEQ will conduct an inventory of emissions from major stationary sources of air pollution. (ADEQ Air Division)

By 2003, ADEQ will establish a baseline mobile source emissions inventory that will emphasize areas at or near the Federal air quality standards for ozone or fine particulate. ADEQ will then update the inventory annually. (ADEQ Air Division)

By 2003, ADEQ will conduct an inventory of emissions from area sources of air pollution. (ADEQ Air Division)

By 2004, ADEQ will conduct an inventory of emissions from natural sources of air pollution. (ADEQ Air Division)

By 2005, ADEQ will develop the capability to conduct airshed modeling. (ADEQ Air Division)

By 2007, ADEQ will assess the impacts of sources not currently regulated utilizing monitors, emission inventories and airshed modeling. (ADEQ Air Division)

*Objective 2:* Reduce the number of days that the Air Quality Index exceeds Federal standards.

ADEQ will continue to partner with Tennessee and Mississippi to support the Arkansas, Tennessee, and Mississippi air quality modeling study to learn what influence regional interstate transport has on the air quality in Arkansas. (ADEQ Air Division)

ADEQ will continue to partner with Metroplan and the Central Arkansas Clean Cities Coalition in cooperation with the Department of Health and the State Highway and Transportation Department to support Ozone Action Days. This program provides information to citizens about ozone levels in Faulkner, Lonoke, Pulaski and Saline counties and encourages voluntary actions to improve air quality. (ADEQ Air Division)

*Objective 3:* Ensure emissions from regulated facilities are below risk-based standards for public health.

By 2004, ADEQ will expand its inventory by including additional pollutants for which there are no current Federal standards. (ADEQ Air Division)

By 2006, ADEQ will use modeling and census data to assess air quality and relative risk on a county-by-county basis. (ADEQ Air Division)

As areas of concern are identified, ADEQ will develop and implement specific plans to improve air quality. These plans will include identifying the pollutants causing the concern, identifying the likely source(s) of the pollutants, and assessing and initiating appropriate control or abatement programs. (ADEQ Air Division)

*Objective 4:* Ensure that 90% of regulated facilities will be in compliance with all State and Federal air standards by 2010.

By 2001, develop a compliance scorecard that will be used to calculate annual compliance rates. The scorecard will differentiate between violators classified as High Priority by the EPA's Guidance on the Timely and Appropriate Enforcement Response to High Priority Violators, and those not meeting those criteria. Address all high priority violators through a formal consent administrative order, including a compliance schedule or referral to the Environmental Protection Agency, in a timely manner. (ADEQ Air and Legal divisions.)

Issue draft permits for major sources that meet all state and federal air requirements within 180 days of receipt of a technically complete application. (ADEQ Air Division)

Issue draft permits for minor sources that meet all state and federal air requirements within 90 days of receipt of a technically complete application. (ADEQ Air Division)

Every year, offer at least ten asbestos and lead-based paint awareness-training sessions for contractors and others who may encounter asbestos or lead-based paint as part of their work. (ADEQ Air Division)

*Objective 5:* In areas of concern, reduce emissions from mobile sources and from small sources not required to have an air permit.

Completing Air Objective 1 (above) to gather the scientific data needed to support identification of areas of concern. (ADEQ Air Division)

As areas of concern are identified, ADEQ will develop and implement specific plans to improve air quality. These plans will include identifying the pollutants causing the concern, identifying the likely source(s) of the pollutants, and assessing and initiating appropriate control or abatement programs, including voluntary programs. (ADEQ Air Division)

By 2003, ADEQ will establish a baseline mobile source emissions inventory that will emphasize areas at or near the Federal air quality standards for ozone or fine particulate. ADEQ will then annually update the inventory. (ADEQ Air Division)

## 2000 EPA/ECOS Core Performance Measures for Air Programs

### 1) Trends in ambient air quality for each of the criteria pollutants (NAAQS).

This data comes from EPA's Aerometric Information Retrieval System (AIRS), which is fed by State and Local Air Monitoring Stations (SLAMS), National Air Monitoring Stations (NAMS), and Photochemical Assessment Monitoring Stations (PAMS). ADEQ collects data from monitoring sites and load this data into the Air Quality



Subsystem (AQS). ADEQ also submits annual summaries of monitoring results for SLAMS monitors, and detailed results upon request.

- 2) Emission trends since 1990 for each of the criteria pollutants (NAAQS). EPA publishes estimated trends.

EPA uses the methodologies described in the National Air Pollutant Emission Trends Report -- Procedures Document, 1900 – 1996 for calculation of estimates.

- 3) Number of non-attainment areas (and their associated populations) that reach attainment for each of the criteria pollutants (NAAQS), including the number of ozone non-attainment areas that meet the 1-hour ozone standard.

EPA regional staff input data into EPA's Findings and Required Elements Data System (FREDS), which tracks the status of State Implementation Plan (SIP) submissions and elements, Regional review and approval of those plans, and records the redesignation of non-attainment areas. EPA uses census data to estimate affected populations.

- 4) Redesignation of areas attaining the current NAAQS, revocations of the PM 10 and 1-hour ozone NAAQS for areas attaining them, and designations of areas for the new ozone and revised PM10 NAAQS.

EPA regional staff input data into EPA's Findings and Required Elements Data System (FREDS), which tracks the status of State Implementation Plan (SIP) submissions and elements, Regional review and approval of those plans, and records the redesignation of non-attainment areas.

- 5) Trends in emissions of toxic air pollutants as reflected in EPA's National Toxics Inventory.

These trends can be found in EPA's National Toxics Inventory.

- 6) Trends in air toxic emissions from 1990 levels.

These trends can be found in EPA's National Toxics Inventory.

- 7) State progress in collecting and compiling ambient and emission source data for toxics to better understand the nature and extent of the air.

ADEQ inputs ambient air toxic data into EPA's AIRS database and submits air toxics emission inventory data to EPA for inclusion in the Agency's National Toxics Inventory. This data can be found in EPA's Aerometric Information Retrieval System (AIRS) and National Toxics Inventory (NTI).

- 8) Environmental and/or public health benefits achieved through concluded enforcement activities, e.g., case settlements, injunctive relief, etc.

ADEQ is considering whether to voluntarily participate with EPA in a pilot test use of the Case Conclusion Data Sheet or comparable approach to analyzing the benefits achieved from enforcement activities.

- 9) Rates of significant noncompliance for selected regulated populations.

ADEQ provides facility-specific compliance information through EPA's automated data systems. ADEQ is considering whether to participate with EPA in the development of statistically valid compliance rates.

- 10) Percentage of significant non-compliers (SNCs) that have been returned to compliance or otherwise addressed.

ADEQ provides to EPA facility-specific compliance information through automated data systems.

- 11) Results of using State alternative compliance approaches (e.g., audit laws or policies, small business compliance policies, XL projects) and compliance assistance.

ADEQ is considering the development of a system to provide a narrative description of the results of compliance incentives and compliance assistance efforts to EPA.

- 12) Total number of inspections conducted at major facilities, and the percent of total universe of regulated sources inspected in negotiated priority areas (e.g., industry sectors, geographic areas).

ADEQ provides to EPA facility-specific compliance information through automated data systems.

- 13) Enforcement actions (e.g., case referrals, orders, notices) taken, by media.

ADEQ provides to EPA facility-specific compliance information through automated data systems.

- 14) Number of facilities/entities reached through each type of compliance assistance activity.

ADEQ is considering participating with EPA in a pilot program to provide data on compliance assistance activities.

#### ADEQ and EPA Region 6's Next Steps for Air Programs for This PPA Period

Item	Person Responsible
Schedule and coordinate workshop for local government on non-attainment issues. This next step was agreed to during the July 9,2000 Senior Staff Retreat. ADEQ no longer thinks this is	Keith Michaels

	Item	Person Responsible
	necessary.	
	Communicate with ADEQ on status of MACT delegations.	Becky Weber

#### Contacts

ADEQ – Keith Michaels, Division Chief, 501-682-0730

EPA Region 6 - Becky Weber, Associate Director, 214-665-6656

### Program Level Issues -- Water

#### Challenges

Water quality has been a priority for Arkansas since the first law on water quality was passed in 1949. Citizens of the Natural State depend on good water quality for drinking water; for the State's diverse agricultural industry; and, increasingly, for recreation and tourism.

Historically, efforts to protect water quality have been focused on controlling specific sources of water pollution (often called point sources). Controlling point sources is an effective pollution control strategy and will continue through active and efficient permitting, inspection, enforcement, and technical assistance programs. ADEQ will continue to take steps to optimize its point source programs by developing and enhancing partnerships with sister agencies, the public, and the business and agricultural communities, as well as through the development of more flexible regulatory approaches, such as general permits.

While important, point source pollution control does not address all of the water quality impacts in Arkansas. Increasingly, ADEQ and EPA are working with communities to examine the more complex and diffuse sources of water pollution -- such as waste management practices and urban and agricultural run-off. Recently, ADEQ teamed with the County Extension Services, the Arkansas Soil and Water Conservation Commission and local banks in priority watershed areas to make low-interest loans available to farmers who would use the money to voluntarily install best management practices to reduce

adverse surface water run-off. By partnering with local interests to develop local solutions to environmental problems before the problems become acute enough to require state or federal regulatory action, ADEQ can improve water quality, increase citizens' quality of life, save taxpayer money, and avoid new regulations. This type of approach is representative of the strategic directions in which EPA continues to encourage ADEQ to move.

Looking more closely at all water quality impacts, rather than focusing on point sources, presents serious challenges and requires important and sometimes difficult decisions. To ensure that decisions about water quality management are supported by sound, up-to-date scientific data, over the next ten years ADEQ has committed to expanding surface water monitoring and management activities and to initiating a comprehensive ground water quality program. ADEQ already conducts monthly monitoring of chemical constituents in water and sediments of rivers, streams and lakes at almost 200 sampling stations. Water quality at some of these stations has been regularly monitored since the 1970s. Every two years, all water quality data from ADEQ's monitoring networks and other readily available data are compiled into the Biennial Assessment of the Condition of Waters of the State, which is available to citizens over the Department's Internet site (<http://www.adeq.state.ar.us>).

From 1983 through 1986, ADEQ conducted an intensive study of the physical, chemical and biological characteristics of least-disturbed streams in each of the six State ecoregions. From this study ADEQ developed water quality standards for each ecoregion. Arkansas' commitment to understanding the chemical and biological characteristics of the State's critical surface and ground water resources will produce the environmental data necessary for citizens, the Department, and other government agencies to work together to make thoughtful, informed decisions about protecting and enhancing water quality.

Finally, over the next ten years ADEQ and EPA will devote significant resources to implementing Congressional mandates for water quality permits and standards and towards state initiatives to protect water quality from the effects of confined animal agriculture. These requirements also include standards for nutrients and ammonia and permitting programs for sludge and storm water management. ADEQ will continue its independent efforts to develop working partnerships with dairy farmers, pork producers, and other State agencies that regulate dairy and pork operations to ensure these operations do not adversely affect water quality.

### Changes Ahead

- Geographic- based work: The two agencies' water programs will continue to move toward managing and protecting water quality in a comprehensive manner, maximizing integration of surface water and ground water programs, and point and non-point source management using the TMDL program.
- Partnerships: Reaching the goal of protecting all water quality beneficial uses will not be accomplished by ADEQ and Region 6 alone, but with other public agencies, communities and involved Arkansans.

### Objectives and Strategies

*Objective 1:* By 2010, 90% of assessed surface water in Arkansas will meet water quality standards for all beneficial uses.

Operate a water quality assessment/ monitoring activity to efficiently identify/clarify water quality problems (to support restoration efforts) and to inventory all state waters. (Water Division)

Use all parts of the permits program (pretreatment audits, sanitary sewer overflow -- SSO's-- identification/removal efforts, storm water requirements and inspection/enforcement activities) to assist with protection and restoration of water bodies.

Keep backlog of permits for point-source discharges, land applications of liquid waste, storm water runoff, underground injection wells and large septic tanks under 10%. The current backlog is 6%. (Water Division)

Process (i.e., issue or deny) 100% of water quality certifications to ensure that activities will not impair water quality or designated uses. (Water Division)

Expand pollution prevention and compliance assistance efforts using existing personnel to assist the business and agricultural communities in developing solutions. (Water Division)

Provide Arkansas with the best possible wastewater/non-point source loan fund program by offering the lowest overall cost of financing available while preserving the long-term integrity of the Revolving Loan Fund. (Construction Assistance Division)

By 2002, implement an electronic test bank and electronic test development system to develop and administer wastewater-licensing tests. By 2005, provide on-line wastewater testing for licensees. (Construction Assistance Division)

By 2001, develop a more streamlined, coordinated and effective intra-agency environmental review process for Clean Water Act 404/401 permits that tracks actual environmental protection and conservation measures. (Environmental Preservation Division)

By 2002, develop and hire a cooperative staff position with the Arkansas Forestry Commission to develop and recommend a coordinated and effective forestry Best Management Practices Education program. (Environmental Preservation Division)

*Objective 2:* Issue all required Water Quality Management Plans (TMDLs) by 2010.

By 2010, monitor 75% of all major streams on an annual basis. (Water Division)

Process 100% of all requested Water Quality Criteria changes in a timely manner. (Water Division)

By 2011, conduct stream assessments for each of the State's physiographic regions. (Environmental Preservation Division)

*Objective 3:* Develop voluntary watershed management systems for all impaired rivers and streams by 2010 to support the TMDL implementation program.

Provide leadership in developing local watershed groups through partnering with interested citizens and Conservation Districts in the areas of watershed management, planning and conservation through the Arkansas Watershed Advisory group program. (Environmental Preservation Division)

Utilize existing and new partnerships to further the work in controlling the impact on non-point source pollution on water quality. (Water Division)

Develop partnerships with Conservation Districts in priority watersheds to voluntarily correct water quality problems. (Construction Assistance Division)

*Objective 4:* Prevent future contamination of ground water.

By 2005, hazardous waste at all hazardous waste management facilities will be safely managed to protect ground water. (Hazardous Waste Division)

By 2010, reduce and prevent releases from regulated storage tanks by achieving a 65% compliance rate. The current compliance rate is 41%. (Regulated Storage Tank Division)

By 2010, achieve and maintain 100% compliance with ground water protection standards at all permitted solid waste disposal facilities. (Solid Waste Division)

By 2005, develop and utilize a technology-based information system for analyzing water quality data, including an integrated database system and GIS. (Mining Division)

*Objective 5:* Remediate contaminated ground water to usable levels at 1000 sites by 2010.

Continue to operate a quality Underground Injection Control Program to protect underground sources of drinking water including adopting/implementing a Class V well program such that these wells are identified and addressed.

By 2010, clean up releases from regulated storage tanks with completion of approximately 600 cleanups (based on a rate of 60 cleanups per year). (Regulated Storage Tanks Division)

By 2005, control ground water releases at 70% of high priority hazardous waste sites. (Hazardous Waste Division)

By 2005, complete remedy and begin operation and maintenance at 75% of Federal superfund sites. (Hazardous Waste Division)

*Objective 6:* By 2003, the Water Division will form a taskforce made up of all interested parties to select ground water clean-up standards for contaminated sites as part of new ground water regulations.

Select representatives of all major interested groups in the state and invite all to serve on a ground water standards taskforce. Water personnel will facilitate and support all activities of the taskforce. (Water Division)

Propose potential ground water quality criteria to the taskforce for consideration and support of the taskforce. (Water Division)

Propose new regulations containing ground water quality criteria for cleanup purposes at all contaminated sites to the Arkansas Pollution Control and Ecology Commission in a timely manner. (Water Division).

## EPA/ECOS Core Performance Measures for Water Programs

- 1) Number and percent of assessed river miles, lake acres, and estuary square miles that have water quality supporting designated beneficial uses, including, where applicable, for (a) fish and shellfish consumption (b) recreation; (c) aquatic life support; or (d) drinking water supply. (The reporting period is two years.)

ADEQ reports this measure through the State Clean Water Act Section 305(b) Assessment Report.

- 2) Number and percent of impaired, assessed river miles, lake acres, and estuary square miles that (a) are covered under Watershed Restoration Action Strategies, and (b) were restored to their designated uses during the reporting period. (The reporting period is two years.)

As part of ADEQ's Watershed Restoration Action Strategies submission, it reports which watersheds (8-digit HUC or finer detail) are covered by the strategies (part a above). For part (b), ADEQ publishes the Clean Water Act Section 305(b) reports.

- 3) The TMDL status for each state including (a). the number of TMDLs identified on the 1998-303(d) list that the State and EPA have committed to produce during the current two-year cycle. (b). the number of these TMDLs submitted by the State to EPA. (c). the number of state-established TMDLs approved by EPA and (d). the number of EPA-established TMDLs. (This cumulative measure can be reported jointly by EPA and the States.)

ADEQ submits the Biennially-required Clean Water Act Section 303(d) list. This list includes TMDL schedules and submittals.

- 4) Percent of POTWs that are beneficially reusing all or a part of their biosolids and, where data exists, the percent of biosolids generated that are beneficially reused.

ADEQ submits data into the Biosolids Data Management System. Key data for this measure are A) dry weight tons generated by Class I (40 CFR Part 503) facilities; B) use and disposal methods for the above in dry weight tons by categories: land application, surface disposal, incineration, other named; C) percentages for the above dry weight tons meeting Table III (40 CFR Part 503) land application requirements.

- 5) Number and percent of facilities that have a discharge requiring an individual permit: (a) that are covered by a current individual NPDES permit, (b) that have expired individual permits, (c) that have applied for but not been issued an individual permit, and d) that have individual permits under administrative or judicial appeal.

ADEQ submits this data into the Permits Compliance System (PCS). Key information is the permit application date, permit issuance date, and permit expiration date.

- 6) Number of storm water sources associated with industrial activity, number of construction sites over five acres, and number of designated storm water sources (including Municipal Phase I) that are covered by a current individual or general NPDES permit.

ADEQ submits this data to the national Notice of Intent (NOI) Processing Center database and maintains an in-house database for storm water permit coverage.

- 7) Number of permittees (among the approximately 900 CSO communities nationwide) that are covered by NPDES permits or other enforceable mechanisms consistent with the 1994 CSO policy.

ADEQ submits this data in the Permits Compliance System (PCS). Key information is the permit application date, permit issuance date, and permit expiration date.

- 8) Number and percent of approved pretreatment programs audited in the reporting year. Of those, the number of audits finding significant shortcomings and the number of local programs upgraded to achieve compliance.

ADEQ submits this data in the Permits Compliance System (PCS). Key information is the permit application date, permit issuance date, and permit expiration date.

- 9) Environmental and/or public health benefits achieved through concluded enforcement activities, e.g., case settlements, injunctive relief, etc. (Pilot measure: Volunteer states will be sought to participate with EPA in pilot test use of Case Conclusion Data Sheet or comparable approaches to analyzing benefits achieved from enforcement activities).

ADEQ is considering whether to voluntarily participate with EPA in a pilot test use of the Case Conclusion Data Sheet or comparable approach to analyzing the benefits achieved from enforcement activities.

- 10) Rates of significant noncompliance for selected regulated populations. (All states continue to provide facility-specific compliance information through automated data systems. Volunteer states will be sought to participate with EPA in development of statistically valid compliance rates).

ADEQ provides facility-specific compliance information through EPA's automated data systems. ADEQ is considering whether to participate with EPA in the development of statistically valid compliance rates.

- 11) Percentage of significant non-compliers that have been returned to compliance or otherwise addressed. (All states continue to provide facility-specific compliance information through automated data systems.

ADEQ provides to EPA facility-specific compliance information through automated data systems.

- 12) Results of using State alternative compliance approaches (e.g., audit laws or policies, small business compliance policies, XL projects) and compliance assistance. (Pilot measure: Volunteer states will be sought to provide EPA with data on evaluation of the results of compliance incentives and compliance assistance efforts. Provide narrative description of alternative compliance approaches).



ADEQ is considering the development of a system to provide a narrative description of the results of compliance incentives and compliance assistance efforts to EPA.

- 13) Total number of inspections conducted at major facilities, and the percent of total universe of regulated sources inspected in negotiated priority areas (e.g., industry sectors, geographic areas). (All states continue to report facility-specific data through automated data systems. Negotiate means for reporting information on inspections of facilities not covered by current data systems).

ADEQ provides to EPA facility-specific compliance information through automated data systems.

- 14) Enforcement actions (e.g., case referrals, orders, notices) taken, by media. ( All states continue to provide facility-specific compliance information through automated data systems).

ADEQ provides to EPA facility-specific compliance information through automated data systems.

- 15) Number of facilities/entities reached through each type of compliance assistance activity. (Pilot measure: Volunteer states will be sought to participate with EPA in pilot to provide data on compliance assistance activities. Describe any current reporting a pilot State does on compliance assistance activities).

ADEQ is considering participating with EPA in a pilot program to provide data on compliance assistance activities.

#### ADEQ and EPA Region 6's Next Steps for Water Programs for This PPA Period.

Due Date	Item	Person Responsible
Completed	Letter to support idea of national TMDL contractor	Chuck Bennett
Ongoing	Continued monitoring of TMDL implementation issues	ADEQ/EPA
Ongoing	Develop EPA's role in coordinating and facilitating interstate and inter-Regional TMDL issues around the Arkansas and Illinois rivers and begin coordination / facilitation work	Jerry Clifford
Dec 2001	Resolution of State / EPA TMDL Memorandum of Agreement - (EPA will schedule a meeting to discuss/resolve ADEQ comments.)	Larry Starfield

Due Date	Item	Person Responsible
Dec 2001	ADEQ to initiate an informal discussion of TMDL de-listings before proposing a final list to EPA (this commitment will be considered for adding to the MOA)	Chuck Bennett

#### Contacts

ADEQ – Chuck Bennett, Chief Water Division, 501-682-0654

EPA --Sam Becker, Acting Director, 214-665-7101

### Program Level Issues -- Land

#### Challenges

Today, most people understand that improper waste management, hazardous materials management, and land-based activities threaten human health and valuable land, air and water resources. Since the late 1970s, States and the Federal government have developed an array of environmental laws and regulations to protect the air, land and water by requiring safe waste disposal, proper handling of hazardous materials, and proper management of surface mining. ADEQ's priorities for land are divided between (1) working with citizens and the business and agricultural communities to ensure current waste and hazardous materials management practices are protective, and (2) cleaning up the contamination caused by management practices of the past. EPA supports these priorities.

Unlike the water and air programs, programs for land-based activities are extremely varied. Over the next ten years, ADEQ and EPA face many challenges in their land programs, from issuing waste management permits, to facilitating cleanups that will enable abandoned or under-utilized sites to be placed back into use, to coordinating –and sometimes funding–hundreds of regulated storage tank cleanups, and to developing markets for recyclable materials. As with the other challenges, these will be met through increased partnerships, more thoughtful coordination, and continued support of innovative approaches to permitting, site cleanup, enforcement, and compliance assistance.

#### Changes Ahead

- **Pollution Prevention:** Over the long term all waste programs will work to shift the balance towards minimization efforts, thereby, focusing on preventing future waste management and cleanup issues.
- **Technical Assistance:** Many small generators can collectively create large quantities of waste. Additional emphasis will be placed on increasing the availability and use of technical assistance provided by the program, and focusing on key geographic areas or high priority industries or pollutants.

- Partnership: Greater emphasis will be placed on education, outreach and partnering efforts to leverage the public for their assistance in achieving environmental goals. Partnering with local governments, other state and federal agencies, the general public, and the regulated community is an area in which major gains are expected. Coordinated efforts in all areas will ensure better coverage of the issues of concern, without duplication of effort or conflicting messages.

## Objectives and Strategies

*Objective 1:* Regulated land-based activities are safely managed.

By 2001, complete and distribute the Conservation Practices for the Reclamation of Surface Mines in Arkansas handbook. (Mining Division)

By 2002, license 90% of all solid waste management facility operators in accordance with Regulation 27 and begin voluntary licensing of illegal dump control officers. Currently 65% of solid waste management facility operators are licensed and voluntary illegal dump control officer certifications are scheduled to be fully implemented by March 2001. (Solid Waste Division)

By 2003, design and provide hazardous waste compliance awareness and assistance training for the general public and the business and agricultural communities. (Hazardous Waste Division)

By 2010, reduce and prevent releases from regulated storage tanks by achieving a 65% compliance rate. The current compliance rate is 41%. (Regulated Storage Tank Division)

*Objective 2:* Return 6,635 acres of known environmentally impacted land to productive use by 2010.

Before the end of the program in 2002, process and fund 100% of approved illegal dump site eradication projects, expending 100% of available funds earmarked for such projects. (Solid Waste Division)

By 2005, control human exposures at 90% of high priority hazardous waste facilities. Currently human exposures are controlled at six of 23 high priority hazardous waste facilities. (Hazardous Waste Division)

At 70% of voluntary cleanup sites, complete cleanup within 36 months of execution of voluntary cleanup procedures agreements. (Hazardous Waste Division)

By 2005, complete remedy and begin operation and maintenance at 75% of Federal Superfund sites. (Hazardous Waste Division)

By 2005, develop and provide educational packages on illegal dumping laws and compliance procedures to 80% of general contractors and other occupations that may contribute to illegal dumping. (Solid Waste Division)

By 2005, develop and publish an educational newsletter to describe and promote innovative mining reclamation processes. (Mining Division)

By 2010, clean up releases from regulated storage tanks with completion of approximately 600 cleanups (based on a rate of 60 cleanups per year). (Regulated Storage Tank Division)

*Objective 3:* Increase the amount of hazardous waste recycled, reclaimed, used, or reused by 20% by 2010.

By 2005, reduce the concentrations of toxic constituents in hazardous waste by one third (33%). This should promote its recycling. (Hazardous Waste Division)

By 2005, reduce, through waste minimization, the number of regulated hazardous waste handlers in Arkansas by 25%. (Hazardous Waste Division)

*Objective 4:* Reduce the amount of solid waste sent to landfills by 40% by 2005 and 45% by 2010, based on a year-to-year comparison.

By 2002, implement a comprehensive Local Entities Outreach program to educate local governments and other organizations about opportunities for ADEQ recycling grants. (Customer Service Division)

By 2002, revise existing Regulation 14 to reflect a funding preference for waste tire recycling. (Solid Waste Division)

Identify priority recyclable waste materials and, beginning in 2003, design and implement one material-specific market development plan each year. (Solid Waste)

#### EPA/ECOS Core Performance Measures for Land Programs

- 1) Percent of hazardous waste managed at Treatment, Storage, and Disposal Facilities with approved controls in place. (Proportion of hazardous waste [HW] being managed at regulated facilities confirmed to meet applicable requirements. Universe covered -- inspection cycles, and confirmation criteria specified by authorized state programs. Covers HW streams as reported by State into the Resource Conservation and Recovery Information System and Biennial Reporting System. Includes facilities with operating permits, post-closure permits or operating under a State or Federal order. Includes boilers and industrial furnaces that burn hazardous waste).

ADEQ reports the status code OP200 or PC200 -- RCRA facilities that have a final permit determination -- to EPA's RCRIS database.

- 2) Percent of Underground Storage Tanks (USTs) meeting requirements. (Requirements for leak detection and upgrade requirements in each state. Numbers of Underground Storage Tanks (USTs) reported).

ADEQ reports the compliance rate for active USTs that meet the spill/overfill/corrosion protection requirements or temporary closure requirements to EPA through the Semi-Annual Activity Reports (STARS).

- 3) Resource Conservation and Recovery Act (RCRA) Corrective Action sites (area) cleaned up. (Area [e.g., acres], as determined by State, for high priority sites that need no further action beyond operation/maintenance).

ADEQ will report the area (e.g., acres) for high priority sites that need no further action beyond operation/maintenance to EPA's RCRIS database.

- 4) National Priority List (NPL) sites (area) cleaned up. (Area (e.g., acres), as determined by State, for sites that need no further action beyond operation/maintenance).

ADEQ reports this measure to EPA through its CERCLIS database.

- 5) Leaking Underground Storage Tank cleanup site status. (Status covers number of confirmed releases, number of cleanups initiated, and number of cleanups completed, as reported by each state).

ADEQ reports to EPA confirmed releases, cleanups Initiated and cleanups completed through the Semi-Annual Activity Reports (STARS).

- 6) Groundwater releases controlled. (At RCRA Corrective Action sites designated as high priority for RCRIS reporting as of 12/98).

ADEQ reports Status Code CA750 - High priority facilities that have been identified by "YE" for yes or "NR" for no release (to be removed) -- to EPA's RCRIS database.

- 7) Human exposures controlled. (At NPL sites as documented by each state or EPA).

ADEQ reports Status Code CA725 - High priority facilities that have been identified by "YE" for yes or "NR" for no release (to be removed) -- to EPA's RCRIS database.

- 8) Environmental and/or public health benefits achieved through concluded enforcement activities, e.g., case settlements, injunctive relief, etc. (Pilot measure: Volunteer states will be sought to participate with EPA in pilot test use of Case Conclusion Data Sheet or comparable approaches to analyzing benefits achieved from enforcement activities).

ADEQ is considering whether to voluntarily participate with EPA in a pilot test use of the Case Conclusion Data Sheet or comparable approach to analyzing the benefits achieved from enforcement activities.

- 9) Rates of significant noncompliance for selected regulated populations. (All states continue to provide facility-specific compliance information through automated data systems. Volunteer states will be sought to participate with EPA in development of statistically valid compliance rates).

ADEQ provides facility-specific compliance information through EPA's automated data systems. ADEQ is considering whether to participate with EPA in the development of statistically valid compliance rates.

- 10) Percentage of significant non-compliers that have been returned to compliance or otherwise addressed. (All states continue to provide facility-specific compliance information through automated data systems).

ADEQ provides to EPA facility-specific compliance information through automated data systems.

- 11) Results of using State alternative compliance approaches (e.g., audit laws or policies, small business compliance policies, XL projects) and compliance assistance. (Pilot measure: Volunteer states will be sought to provide EPA with data on evaluation of the results of compliance incentives and compliance assistance efforts. Provide narrative description of alternative compliance approaches).

ADEQ is considering the development of a system to provide a narrative description of the results of compliance incentives and compliance assistance efforts to EPA.

- 12) Total number of inspections conducted at major facilities, and the percent of total universe of regulated sources inspected in negotiated priority areas (e.g., industry sectors, geographic areas). (All states continue to report facility-specific data through automated data systems. Negotiate means for reporting information on inspections of facilities not covered by current data systems).

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- 14) Number of facilities/entities reached through each type of compliance assistance activity. (Pilot measure: Volunteer states will be sought to participate with EPA in pilot to provide data on compliance assistance activities. Describe any current reporting a pilot State does on compliance assistance activities).

ADEQ is considering participating with EPA in a pilot program to provide data on compliance assistance activities.

ADEQ and EPA Region 6's Next Steps for Land Programs for this PPA Period.

Item	Person Responsible
Continue identifying and exploiting opportunities to streamline cleanup programs generally and the RCRA corrective action program specifically (move away from process orientation, towards results orientation).	Myron Knudson, Steve Gilrein and Mike Bates

Item	Person Respon sible
Share and coordinate enforcement priorities and planning so EPA can take direct Federal action at facilities where the State needs Federal support.	<b>Mike Bates and Sam Colema n</b>
Develop work group for clarification of contingency planning and financial assurance processes.	<b>Becky Keogh</b>
Continue to advocate smart growth concepts in Arkansas including maximizing the brownfields program to foster redevelopment and land recycling.	<b>Mike Bates and Stan Hitt</b>
ADEQ and EPA Underground Storage Tank representatives will further discuss underground storage tank compliance goals with a target resolution date of December 31, 2001.	<b>Mary Leath and Steve Gilrein</b>

#### Contacts

ADEQ – Dennis Burks, 501-682-0600

EPA – Carl Edlund, 214-665-8124 and Myron Knudson 214-665-6701

## Appendix

ADEQ/EPA Region 6 Leadership Meeting Minutes

ADEQ/EPA Statement of Shared Principles

PPA Teleconference Minutes

List of Agreements and Understandings Between U.S. EPA and ADEQ

1. Statement of Shared Principles (9/29/00)
2. NPDES program authorization document and 1995 MOU regarding minimizing overview activities for NPDES Program (1/27/95)
3. Automatic Data Program Timeshare account; timeshare usage of data and evaluation (Technical Services Division, for Fiscal Year 1999)
4. ADP Timeshare accounts for HWAR and KZAR
5. RCRA information management MOU (replaces 1996 MOU Ongoing until modified)
6. ADP timeshare account for PCAR (Water Division) (revised annually)
7. Cooperative Enforcement Agreement (various ongoing)—including Air, NPDES, and RCRA Enforcement Agreements.
8. NESHAP Delegation Agreement and Addendums (ongoing)
9. Revolving Loan Fund Operating Agreement – Title VI of CAA plus revisions (ongoing)
10. UIC Program Agreement
11. Computer Modeling on OD Effluents